Cumulative Table of Cases Connecticut Appellate Reports Volume 196

(Replaces Prior Cumulative Table)

Al-Fikey v. Obaiah. Dissolution of marriage; claim that trial court's finding that defendant was at fault for irretrievable breakdown of marriage was clearly erroneous; whether trial court properly found that defendant was intentionally underemployed when calculating his earning capacity; claim that trial court erred in calculating support orders on basis of defendant's earning capacity rather than his actual income; claim that trial court improperly determined which properties were part of mari-	13
tal estate. American Tax Funding, LLC v. First Eagle Corp	298
Board of Education v. Waterbury Teachers Assn., CEA-NEA	463
Bordiere v. Ciarcia Construction, LLC	70
Bozelko v. Commissioner of Correction	627
Brown v. Commissioner of Correction (Memorandum Decision)	902 147
Cheswold (TL), LLC, BMO Harris Bank, N.A. v. Kwong	279
$ \begin{array}{c} \text{Cinotti v. Shred It U.S.A., LLC (Memorandum Decision)}. & \dots & \dots & \dots & \dots \\ \text{Compass Bank v. Dunn.} & \dots & \dots & \dots & \dots & \dots \\ \hline \textit{Foreclosure; whether trial court incorrectly granted motion for default for failing } & \textit{to disclose defense on ground that no "valid" defense was asserted; whether rule} \\ \end{array} $	907 43

of practice (§ 13-19) allows trial court to pass on legal sufficiency of proposed defense; claim that defendants interposed valid defense to foreclosure action. Consiglio v. Al Dente, LLC (Memorandum Decision)	904
Deutsche Bank National Trust Co. v. Jafri (Memorandum Decision)	906
Dickau v. Mingrone	59
Property; breach of contract; claim that trial court erred in finding that city building department had not made determination regarding use and occupancy status of plaintiff's property; whether record was sufficient to support trial court's finding; claim that trial court erred in not finding that plaintiff established existence	
of damages.	enn
Halperin v. Halperin. Dissolution of marriage; postjudgment order; claim that trial court improperly interpreted provision of parties' separation agreement in determining that income derived from plaintiff's interests in two entities was included in provision's definition of total income for purposes of calculating plaintiff's unallocated support obligation; whether trial court's determination that parties intended to include income at issue in plaintiff's total income for purposes of determining his unallocated support obligation was clearly erroneous; whether plaintiff's construction of disputed language of provision would render superfluous provision's specific exclusion of certain other income; whether plaintiff's conversion of cash assets awarded at time of dissolution to shares of certain partnership that produced income stream for purposes of calculating unallocated support;	603
whether equitable principles required that plaintiffs income from entities be	
excluded from calculation of unallocated support.	
Hamann v. Carl	583
claim that trial court erred in denying defendant's motion to dismiss for lack of personal jurisdiction; whether defendant waived claim of lack of personal jurisdiction; claim that trial court erred in finding defendant committed civil theft and in awarding treble damages; claim that trial court improperly set commencement date for prejudgment interest on unjust enrichment damages	
award. Hannon v . Board of Education (Memorandum Decision)	903
Hogfeldt v. Board of Education (Memorandum Decision)	901
Holt v. Dolce (Memorandum Decision)	904
In re Brooklyn O	543
Child neglect; motion to revoke commitment; claim that trial court improperly found that respondent father failed to prove that commitment of minor child to custody of Commissioner of Children and Families was no longer warranted.	
In re Gabriel C	333
Termination of parental rights; whether trial court improperly denied respondent mother's motion to disqualify counsel acting as minor child's guardian ad litem on ground that attorney previously acted as mother's guardian ad litem when mother was minor; claim that trial court improperly admitted social studies pursuant to governing statutes (§§ 17a-112 (j) and 45a-717) and on ground that social studies contained hearsay; claim that trial court improperly concluded that mother failed to achieve requisite degree of personal rehabilitation required by § 17a-112.	
In re Geoffrey G	316
Termination of parental rights; whether trial court improperly failed to order, sua sponte, evaluation of respondent mother's competency to assist her counsel at trial; whether mother established violation of her right to due process; claim that evidence in record demonstrated that mother's mental health issues, at time of trial, interfered with her ability to provide her newly retained counsel with truthful, relevant data in presentation of her case.	
Jackson v. Waterbury Police Dept. (Memorandum Decision)	908
Jepsen v. Camassar	97
Declaratory judgment; action seeking declaration that certain modifications made by beach association to restrictive covenants in beach deed were invalid; claim that trial court improperly denied plaintiffs' postjudgment motion for equitable relief because this court's order of remand in first appeal required trial court to address their claims for quiet title and injunctive relief; claim that trial court	
improperly denied postjudgment motion for fees and costs; claim that, even assuming that this court's mandate in first appeal did not encompass claims of certain plaintiffs to quiet title, equitable relief, and fees and costs, trial court	

relief; claim that trial court violated several state and federal constitutional rights	
of certain plaintiffs by failing to hear or grant their postjudgment motions.	
Jolley v. Vinton	379
Alleged deprivation of plaintiff's federal constitutional rights; whether trial court's finding that plaintiff failed to prove causal connection between plaintiff's conduct and defendant's alleged retaliation was clearly erroneous.	
Kaminski v. Semple	528
Declaratory judgment; whether trial court properly granted motion to dismiss filed by defendant state employees; whether plaintiff lacked standing to raise claims as to certain defendants; claim that trial court improperly concluded that defendants were entitled to sovereign immunity and statutory (§ 4-165) immunity; adoption of trial court's memorandum of decision as statement of facts and applicable law on issues.	
Kenneson v . Eggert	773
Fraud; absolute immunity; litigation privilege; motion to dismiss; claim that trial court erred in concluding that litigation privilege implicates subject matter jurisdiction; claim that trial court improperly granted motion to dismiss because statements at issue were not made during judicial proceeding and were not relevant to subject matter of proceeding.	
Lemanski v . Commissioner of Motor Vehicles (Memorandum Decision)	901 906
Morton v. Syriac	183
Temporary and permanent injunction; easement; motion to disqualify; claim that trial court wrongly issued permanent injunction; claim that plaintiff did not allege irreparable harm or lack of adequate remedy at law; whether complaint provided adequate notice of plaintiff's claim for permanent injunction; whether there was substantial likelihood that, in absence of judicial intervention, plaintiff stood to lose valuable asset; whether defendant could prevail on his claim that trial court improperly allowed plaintiff to modify dissolution judgment by granting	
injunction; whether trial court erred by allowing plaintiff to present evidence that contradicted alleged judicial admissions in her pleadings; whether trial court abused its discretion by denying defendant's motion to disqualify trial judge; whether trial court erred in denying defendant hearing before another judge.	
MTGLQ Investors, L.P. v. Hammons	636
Foreclosure; summary judgment; Emergency Mortgage Assistance Program notice (§ 8-265cc et seq.); whether statutory (§ 8-265ee (a)) notice provision is subject matter jurisdictional; whether notice sent in separate foreclosure action satisfied notice provision requirement in present foreclosure action.	
Nietupski v. Del Castillo	31
Marital dissolution; separation; claim that trial court violated free exercise clause of first amendment by rendering judgment of marital dissolution; whether trial court abused its discretion when it entered certain orders regarding minor child's travel and education as part of judgment of dissolution.	
Office Condominium Assn., Inc. v. Rompre	370
Foreclosure of statutory (§ 47-258) common charges lien; Common Interest Owner- ship Act (§ 47-200 et seq.); summary judgment; whether this court lacked subject matter jurisdiction over appeal; whether trial court left substantive claim unre- solved following its decision that granted in part condominium association's	
motion for summary judgment on counterclaim; whether appeal was taken from final judgment; whether more than determination of amount of attorney's fees remained to be done.	
Peterson v. Torrington	52
Declaratory judgment; summary judgment; tax sale; whether appeal was moot; whether there was unchallenged, alternative ground for affirming judgment of trial court; whether trial court could grant practical relief; whether Appellate Court was without subject matter jurisdiction.	
Platt v. Tilcon Connecticut, Inc	564
Breach of contract; whether trial court properly concluded that plaintiff could not prevail on breach of contract claims; holdover tenant; lease agreements; expiration	
of leases. Presto v. Presto	22
Presto v. Presto	44

filed in Superior Court; adoption of trial court's memorandum of decision as	
statement of facts and applicable law on issues.	
Priore v. Haig	675
Defamation; absolute litigation immunity; claim that trial court improperly granted	0.0
motion to dismiss and denied motion to reargue because evidentiary hearing	
should have been held; whether trial court incorrectly determined that planning	
and zoning commission hearing was quasi-judicial in nature and that defend-	
ant's statements were pertinent to hearing.	
Professional Electrical Contractors of Connecticut, Inc. v. Stamford Hospital	430
Unjust enrichment; quantum meruit; mechanic's lien; substitution of bond; sum-	
mary judgment; whether defendant presented evidence of genuine issue of mate-	
rial fact as to plaintiff's claims; whether recovery was barred to second tier	
subcontractor when general contractor had paid first tier subcontractor in full;	
whether lienable fund was exhausted.	
RCN Capital, LLC v. Chicago Title Ins. Co	518
Breach of contract; foreclosure action; claim that trial court improperly calculated	
damages due to breach of contract claim using tax foreclosure sale price of	
property instead of estimated fair market value of property at time plaintiff	
brought foreclosure action to determine actual loss.	
Rockwell v. Rockwell	763
Vexatious litigation; res judicata; collateral estoppel; statute of limitations; acciden-	
tal failure of suit statute (§ 52-592); lack of final judgment; claim that trial court	
improperly denied motion for summary judgment based on res judicata and/or	
collateral estoppel; claim that trial court improperly denied motion to dismiss	
based on statute of limitations.	
Rojas v . Commissioner of Correction (Memorandum Decision)	906
Sherman v . Commissioner of Correction (Memorandum Decision)	905
Solomon v . Doe (Memorandum Decision)	904
Stanley v . Commissioner of Correction (Memorandum Decision)	903
Starboard Resources, Inc. v. Henry	80
Interpleader, interpleader action to determine rights of defendants to certain shares	
of plaintiff's common stock; motion to dismiss; subject matter jurisdiction; stand-	
ing; claim that trial court lacked subject matter jurisdiction over interpleader	
action; whether plaintiff lacked standing because its nonparty transfer agent	
allegedly held subject shares on plaintiff's behalf; claim that trial court improperly	
denied defendant companies' motion to dismiss for mootness; claim that trial court improperly rendered interlocutory judgment of interpleader; whether it	
was premature for this court to consider merits of parties' purportedly adverse	
claims to shares; whether trial court properly exercised its authority to remand	
matter to clarify arbitration award as to ownership of shares; whether trial court	
violated doctrine of functus officio.	
State v. Albert D	155
Risk of injury to child; sexual assault in fourth degree; sexual assault in first degree;	100
attempt to commit sexual assault in first degree; claim that defendant was entitled	
to new trial on basis of alleged prosecutorial improprieties during state's rebuttal	
closing argument; whether prosecutor's remarks on own credibility and credibil-	
ity of witness constituted improper vouching for state's credibility; whether prose-	
cutor's comments that state's experts were not allowed as matter of law to meet	
with victims were improper and constituted impropriety; whether law prohibits	
expert witnesses from meeting with children who are complainants of sexual	
assault; whether prosecutorial impropriety deprived defendant of due process	
right to fair trial under test set forth in State v. Williams (204 Conn. 523).	
State v . Bloom (Memorandum Decision)	905
State v. Bornstein	420
Interlocutoryappeal; violationofcivilprotectionorder; harassmentinseconddegree;	
motion to dismiss; claim that state was collaterally estopped from pursuing	
criminal charges because relevant factual allegations had been subject of full	
evidentiary hearing at hearing on request for civil protection order that was	
denied; lack of final judgment; whether Appellate Court had jurisdiction to hear	
interlocutory appeal; double jeopardy.	F10
State v. Bradbury	510
Criminal possession of firearm; carrying pistol without permit; assault in first degree; criminal attempt to commit robbery in first degree; claim that, in light	
of iuru's not guiltu finding on certain charges, there was insufficient evidence	
of fair go not gailly fillwilly our contains about you, inone was thoughteen contained	

to support conviction as demonstrated by inconsistency of jury's verdict; whether defendant's attempt to obtain review of legal inconsistency between conviction and acquittal by recasting it as claim of evidentiary insufficiency changed nature of claim; whether state presented sufficient evidence to support defendant's conviction; whether defendant's argument that jury's not guilty verdict on certain charges meant that jury necessarily rejected victim's testimony in its entirety	
was availing.	~ 40
State v. Bunn	549
Murder; conspiracy to commit murder; carrying pistol without permit; whether alleged prosecutorial impropriety deprived defendant of his due process right to fair trial.	
State v. Hargett	228
Murder; claim that trial court's exclusion of evidence deprived defendant of right to present defense; whether defendant demonstrated relevancy of alleged statement; whether defendant laid evidentiary foundation for claim of self-defense; whether there was causal relationship between toxicology report and cause of death of victim; whether there was evidence that defendant had reason to believe deadly physical force was required; claim that trial court violated defendant's right to due process by refusing to give self-defense jury instruction; whether reasonable juror could have concluded that defendant believed himself to be in imminent or immediate danger; whether trial court properly denied defendant's motion for new trial or to dismiss charges for state's late disclosure of firearm related evidence; whether late disclosure constituted bad faith; whether defendant was prejudiced in plea bargaining or trial by late disclosure of evidence; claim that defendant was denied fair trial by prosecutorial impropriety in closing argument; whether prosecutor's improper statement harmed defendant. State v. Joseph V.	712
Sexual assault in first degree; risk of injury to child; conspiracy to commit risk of injury to child; whether trial court improperly sanctioned nonunanimous jury verdict when it denied motion for bill of particulars and request that court give jury specific unanimity instruction as to charge of sexual assault in first degree; claim that information was duplicitous in that it contained allegations that could have been stated as separate offenses; claim that information gave rise to risk that defendant would not be afforded unanimous verdict because different jurors could reach guilty verdict on same count on basis of findings as to different incidents of abuse; claim that trial court abused its discretion when it admitted evidence that defendant and coconspirator had had sexual relationship since childhood.	.12
State v. Petersen. Failure to appear; whether evidence was sufficient to support defendant's conviction of failure to appear in first degree; claim that evidence of events after defendant arrived at courthouse was irrelevant to whether defendant wilfully failed to appear prior to forfeiture of bond; claim that trial court abused its discretion by admitting evidence of events after defendant arrived at courthouse; claim that trial court improperly admitted testimony of defendant's former attorney; whether trial court properly instructed jury on third element of failure to appear in first degree.	646
State v. Prince A	413
State v. Richards	387 480
Murder; assault in first degree; criminal possession of firearm; unpreserved claim	
that state suppressed DNA evidence that was material to defense in violation of	

Brady v. Maryland (373 U.S. 83) and did not disclose it until after jury returned verdict; claim that DNA match between sweatshirt found in vicinity of crime scene and DNA sample of convicted felon constituted material evidence; claim that lack of evidence of DNA match at trial undermined trial's fairness and resulted in verdict that was not worthy of confidence.	
State v. Spells (Memorandum Decision)	905 902
Fhomas v. Commissioner of Correction (Memorandum Decision)	902
Thompson v. Commission of Correction (Memorandum Decision)	901
Furek v. Zoning Board of Appeals	122
Zoning; claim that trial court incorrectly concluded that plaintiffs demonstrated legally cognizable hardship; claim that trial court erroneously determined that plaintiffs' application to zoning board for variance qualified under exception to hardship requirement set forth in Adolphson v. Zoning Board of Appeals (205 Conn. 703).	
U.S. Bank, National Assn. v. Madison	267
Foreclosure; motion for summary judgment as to liability; motion for judgment of strict foreclosure; bankruptcy; motion to reenter judgment of strict foreclosure; claim that trial court erred by concluding that defendant lacked standing to object to plaintiff's motion to reenter judgment; whether defendant lacked standing to pursue her defense to plaintiff's interest in property because her failure to notify bankruptcy trustee of defense by not disclosing it as asset of bankruptcy estate precluded her from raising defense after discharge of bankruptcy estate; whether	
Beck & Beck, LLC v. Costello (178 Conn. App. 112) was applicable; whether plaintiff's reliance on Beck & Beck, LLC, conflated debtor's claim for money damages as asset of bankruptcy estate with debtor's defense to enforcement of invalid lien; whether defendant's claim that either bankruptcy trustee or any creditor could move to reopen bankruptcy estate if trial court were to find mortgage invalid ignored threshold issue that defendant lacked legal capacity to raise that defense.	000
U.S. Bank Trust, N.A. v. O'Brien (Memorandum Decision)	903
Wachovia Mortgage, FSB v. Toczek	1
Wells v. Wells	309
Dissolution of marriage; postjudgment motion for order; whether trial court improp- erly interpreted provision of separation agreement; whether trial court improp- erly denied motion for order.	
Wells Fargo Bank, N.A. v. Widow, Heirs and/or Creditors of Estate of Elsi Savvidis (Memorandum Decision)	902
Williams v . Commissioner of Motor Vehicles (Memorandum Decision)	907
Windham Solar, LLC v. Public Utilities Regulatory Authority	287
Young v . Hartford Hospital	207
190a) for negligence action against health care provider, discussed; whether trial	

court improperly granted defendant's motion to dismiss plaintiff's action on ground that plaintiff failed to provide certificate of good faith and opinion pursuant to \S 52-190a; whether plaintiff's claims were based on ordinary negligence or medical malpractice.